



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/569,222

12/07/2006

Susan Mary Horley

51110(A)

9418

38157 7590 12/03/2008

THE GLIDDEN COMPANY  
15885 WEST SPRAGUE ROAD  
STRONGVILLE, OH 44136

EXAMINER

SZEKELY, PETER A

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/569,222	<b>Applicant(s)</b> HORLEY ET AL.	
	<b>Examiner</b> Peter Szekely	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 15-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Annemaier et al. 5,496,881, Ikeguchi et al. 6,528,552, Ebrahimian et al. 7,078,452 or Kawaguchi et al. 2004/0126574, in view of Cusack et al. 6,150,447.

4. Annemaier et al. disclose an aqueous thickener solution comprising 25% vinyl acetate homopolymer, 15% aluminum hydroxide, 10% magnesium hydroxide, 3.5% zinc hydroxystannate, 13.5% talc and 9% kaolin in Example 3. For coatings see claims 32-33. Ikeguchi et al. teach a protective coating comprising 100-140 parts by weight of aluminum hydroxide, 0.1-15 parts by weight of a molybdenum compound, 0.1-10 parts

Art Unit: 1796

by weight of a zinc stannate or hydroxystannate and 100 parts of resin. See claim 1. Ebrahimian et al. recite 178.7 phr magnesium hydroxide and 4.8 phr zinc stannate in Table 2, formulas 1 and 2. Kawaguchi et al. display a rubber coating containing magnesium hydroxide and zinc stannate in Examples 1-3. The maximum is 400 parts of magnesium hydroxide and 175 parts of zinc stannate. For more than one layer see claim 1. Cusack et al. reveal that when inorganic fillers are coated with a tin compound the flame retardance of the filler increases (column 1, lines 38-42). Aluminum hydroxide and magnesium hydroxide can be coated with sodium or potassium hydroxystannate (column 1, lines 49-57). In a polymer material the coated fire-retardant filler can be present in a concentration of 5-400% by weight based on the weight of the polymeric material (column 2, lines 8-17). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to use the coated fillers of Cusack et al. in the compositions of the primary references, since they have superior fire retardance. The examiner holds that it also would have been obvious to use the standard additives claimed by applicants. Since the criticality of the order of addition and the customary coating steps has not been elucidated in the specification, the process steps are also deemed obvious by the examiner. All properties are inherent in the composition.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1796

6. Claims 15, 17-22, 24-26, 28, 29 and 32 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Annemaier et al. 5,496,881, Ikeguchi et al. 6,528,552, Ebrahimian et al. 7,078,452 or Kawaguchi et al. 2004/0126574.

7. All references have been described already. All properties are inherent in the composition. Applicants' claims are not novel.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 6:10 a.m.-4:40 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Szekely/  
Primary Examiner, Art Unit 1796

Application/Control Number: 10/569,222

Page 5

Art Unit: 1796

/P. S./

Primary Examiner, Art Unit 1796

11/26/08